

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ROGER SCOTT BLACKBURN,

Plaintiff,

Civil No. 08-6189 (MJD/JJG)

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

MINNESOTA NATIONAL GUARD,  
COMPANY D/2<sup>ND</sup> 147<sup>TH</sup> AVIATION BR.,  
and STATE OF COLORADO,

Defendants.

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The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Doc. No. 2), is **DENIED**;
2. Plaintiff's "Motion For A Stay Of Execution And Or Exemption," (Doc. No. 3), is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: February 6, 2009

s/Michael J. Davis  
MICHAEL J. DAVIS  
United States Chief District Chief Judge